

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Connell et al. DOCKET NO.: ALT-5604D CONT
SERIAL NO: 09/689,503 ART UNIT: 1723
FILED: October 12, 2000 EXAMINER: J. Drodge
INVENTION: "METHOD AND APPARATUS FOR KIDNEY DIALYSIS"

TECH DIV III
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Assistant Commissioner of Patents

Washington, D.C. 20231

TERMINAL DISCLAIMER TRANSMITTAL LETTER

SIR:

Pursuant to the Examiner's request, Applicants are submitting herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection. Specifically, the Patent Office has requested a Terminal Disclaimer in view of U.S. Patent No. 5,247,434 ('434 Patent). The Examiner has stated that a Terminal Disclaimer was necessary in order to overcome an obviousness-type double patenting situation in view of the '434 Patent. Upon submission of a Terminal Disclaimer the Examiner stated that the pending claims will be passed to allowance.

Applicants respectfully request that the fee of \$110.00 be charged to deposit account number 02-1818. Please charge any additional fees that are due and owing to deposit account number 02-1818.

Respectfully submitted,

(Reg. No. 30,142)

Robert M. Barrett
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, Illinois 60690-1135
Tel: (312) 807-4204
ATTORNEY FOR APPLICANTS

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Hon. Assistant Commissioner for Patents

Washington DC, 20231

Sir:

TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING REJECTION

I, Robert M. Barrett, an attorney of record, do hereby state that Baxter International Inc. is the owner of the entire right, title and interest to U.S. Patent No. 5,247,434. The terminal part of any patent granted on application Serial No. 09/689,503 which would extend beyond the expiration date of U.S. Patent No. 5,247,434 is hereby disclaimed and it is hereby agreed that any patent so granted on the above-identified application Serial No. 09/689,503 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,247,434 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The evidentiary documents have been reviewed and it is hereby certified that to the best of my knowledge and belief that title to the above-identified patent application is in Baxter International Inc.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently

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shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is any manner terminated prior to the expiration of its full statutory term as presently shorted by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: 
Robert M. Barrett,
Attorney of Record

Dated: March 7, 2001

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s):

Docket No.
ALT-5604D CONT of DIV IIISerial No.
09/689,503Filing Date
October 12, 2000Examiner
J. DrodgeGroup Art Unit
1723

Invention:

METHOD AND APPARATUS FOR KIDNEY DIALYSISRECEIVED
MAR - 7 2001
TECHNOLOGY CENTER 1700I hereby certify that this Terminal Disclaimer*(Identify type of correspondence)*is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-305-3602on March 7, 2001
*(Date)*Renee Street*(Typed or Printed Name of Person Signing Certificate)*
(Signature)

Note: Each paper must have its own certificate of mailing.

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